

["(B) the agency determines that, in the absence of such a bonus, it is likely that the employee would leave—

["(i) the Federal service; or

["(ii) for a different position in the Federal service under conditions described in regulations of the Office.

["(2) SERVICE AGREEMENTS.—(A) Payment of a bonus under this subsection shall be contingent upon the employee entering into a written agreement with the agency to complete a period of service with the agency in return for the bonus.

["(B)(i) The agreement shall include—

["(I) the length of the period of service required;

["(II) the bonus amount;

["(III) the manner in which the bonus will be paid (as described in paragraph (3)(B)); and

["(IV) any other terms and conditions of the bonus, including the terms and conditions governing the termination of an agreement.

["(3) TERMS AND CONDITIONS.—A bonus under this subsection—

["(A) may not exceed 50 percent of the basic pay of the employee;

["(B) may be paid to an employee—

["(i) in installments after completion of specified periods of service;

["(ii) in a single lump sum at the end of the period of service required by the agreement; or

["(iii) in any other manner mutually agreed to by the agency and the employee;

["(C) is not part of the basic pay of the employee; and

["(D) may not be paid to an employee who holds a position—

["(i) appointment to which is by the President, by and with the advice and consent of the Senate;

["(ii) in the Senior Executive Service as a noncareer appointee (as such term is defined under section 3132(a) of title 5, United States Code); or

["(iii) which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.""]

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Levin amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendment (No. 4905) was agreed to, as follows:

At the end of the bill add the following:

SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "; or"; and

(3) by adding at the end of the following:

“(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station

conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.”

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2066), as amended, was read the third time and passed; as follows:

(The bill will be printed in a future edition of the RECORD.)

NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 448 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk report will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 448) supporting the goals and ideals of “National Life Insurance Awareness Month”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 448) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 448

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2006 as “National Life Insurance Awareness Month” as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of “National Life Insurance Awareness Month”; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

ORDERS FOR THURSDAY, SEPTEMBER 7, 2006

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. on Thursday, September 7. I further ask that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for the transaction of morning business for up to 30 minutes, with the first 15 minutes under the control of the Democratic leader or his designee and the final 15 minutes under the control of the majority leader or his designee; further, that the Senate then resume consideration of H.R. 5631, the Department of Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, speaking for the leader, he believes we had a full day debating the Department of Defense appropriations bill. Tomorrow we will finish this bill. Therefore, Senators should expect rollcall votes throughout the day. The managers should be consulted about any outstanding amendments Senators would like to have considered. Senator CONRAD will be here first thing in the morning to offer an amendment.

Again, we will finish this bill tomorrow, and Members should anticipate a long day if needed to complete our work on this spending bill.

ORDER FOR RECESS

Mr. STEVENS. Mr. President, it is my understanding that Senator ROCKEFELLER has an amendment and a statement. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order, following the remarks of Senator ROCKEFELLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007—Continued

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Alaska. It is late, and I understand that. I rise to address something which is very important to me, and that is the Defense appropriations bill that may appear to many to be insignificant boilerplate language, when, in fact, is not that at all. Unfortunately, the provision has an enlarged significance in

this Congress as a result of the inexplicable and unpardonable failure of the Senate to do something that it has never done before, and that is to fail to pass intelligence authorizations for either fiscal year 2006 or fiscal year 2007.

Section 8086 of the Defense appropriations bill waives section 504 of the National Security Act of 1947 until the enactment of the Intelligence Authorization Act for fiscal year 2007. What does that mean? Section 504 provides, with limited exceptions, that no appropriated funds available may be obligated or expended for an intelligence activity unless those funds were specifically authorized by Congress; therefore, by the two Intelligence Committees.

This waiver is a standard part of the Defense appropriations bill. Until this Congress, it has served the acceptable function of allowing intelligence communities to begin spending money if the authorization bill is not completed before the beginning of the fiscal year. Under this waiver, as soon as the intelligence authorizations for any given year are enacted, that authorization language would control.

In this Congress, however, the boilerplate language has become the substitute for legislative authorization of intelligence activities because the majority leader, to be honest, has refused to bring the intelligence authorization bill to the floor for the past 2 years—for the past 2 years.

The Senate's failure to pass this critical national security legislation is unprecedented. Last year was the first time since the establishment of the congressional Intelligence Committees that the Senate failed to pass an annual authorization bill. From 1978 through 2004, the Senate had an unbroken, 27-year record of completing its work on this critical legislation. The intelligence authorization bill has been rightly considered, always, must-pass legislation. Regardless of who controlled the Senate, regardless of who controlled the White House, there was an understanding that the programs authorized by this bill were too important to not have the input of the Congress through the Intelligence Committees.

Unfortunately, because of an anonymous objection by a Republican Senator, the majority leader decided to let this important national security legislation die on the vine last year, for the first time, and he appears intent on doing so this year again. The result of this decision by the majority leader will be diminished authority for intelligence agencies to do their jobs of protecting Americans. It also will result in less effective oversight, which was essentially the 9/11 Commission's No. 1 call, and all of this at a time when the intelligence community is undergoing the biggest restructuring in its 50-year history.

The annual intelligence authorization is the primary mechanism which the Congress, through the Intelligence

Committees, uses to provide guidance and support to America's intelligence agencies, the heart of our effort to protect America's national security.

At a time when our security depends so heavily on good intelligence, when our national security has been endangered by not depending sufficiently on good intelligence—or maybe the intelligence wasn't good when it should have been—and we are in the midst of reforming and modernizing our intelligence community, the Senate's failure to act on this legislation is absolutely inexplicable to this Senator and to virtually all the Members of the Intelligence Committees.

In reporting the resolution to establish the Intelligence Committee in May 1976, since the first chairman on our side was the Senator from Hawaii, Mr. INOUE, the Committee on Government Operations back then wrote the following:

An essential part of the new committee's jurisdiction will be authorization authority over the intelligence activities of the Department of Defense, the Department of State, the Federal Bureau of Investigation, and the Central Intelligence Agency. Without this authority, the new committee would not be assured the practical ability to monitor the activities of these agencies.

They wrote that back then—and that is:

... to obtain full access to information which the committees must have to exercise control over the budgets of agencies in order to reduce waste and inefficiency, and to impose changes in agency practices.

That is what they said.

The failure of the Senate to pass intelligence authorization for 2 years threatens to erode the ability of the Intelligence Committee to carry out the mission assigned to it by the Senate. This failure has consequences both immediate and long term. Our intelligence agencies can continue executing the funding made available through the various appropriations bills but without any guidance as to what they should do from the Intelligence Committees.

I do not understand this.

The Appropriations Committee does an excellent job at providing resources for the intelligence agencies, what they need to operate on. But the roadmap for how the Congress expects those sources to be executed comes from the authorization bill—which seems to no longer exist. The sensitivity and importance of our Nation's intelligence programs makes congressional direction essential every single year. But the creation of an Office of the Director of National Intelligence in 2004, and the ongoing development of that office, makes the guidance even more important now.

The fiscal year 2006 authorization bill contains 17 separate provisions enhancing or clarifying the authority of the DNI. Those provisions included additional authority to promote information sharing, clarifying the DNI's role in managing human intelligence—all of these, easy to say and difficult to do—

providing flexibility in the financing of national intelligence centers, how those centers were to be set up, and elevating the DNI Inspector General to a statutory position.

Those important provisions are now included in this fiscal year 2007 bill, and we should act on them as soon as possible. I do not think we are going to, but we should.

In the longer term, the Senate's inability to debate and act on this critical legislation will have a more lasting effect on congressional oversight. Both the 9/11 and the Robb-Silberman commission on weapons of mass destruction highlighted the importance of improving oversight as a necessary component of reforming our intelligence capabilities. Oversight.

The 9/11 Commission wrote:

Of all our recommendations, strengthening Congressional oversight may be among the most difficult and most important.

In December 2004, the Senate took steps to strengthen the Senate Intelligence Committee by eliminating member term limits. That had been a long time coming. People were limited to 8 years. They just began to get up to speed and then they were off. Now that has changed. It is at the discretion of the majority leader and the minority leader.

We increased our staff and strengthened other procedures. But these improvements were in a sense a hollow victory. Since enactment of the reforms, the majority leader has emasculated the Intelligence Committee by denying it the central tool to carry out oversight, and that is the annual authorization bill which is called for under the law.

The majority leader's unwillingness to consider these bills is even more puzzling because of the bipartisan effort that has gone into their development on both sides of this House. Both the fiscal 2006 and 2007 bills passed the Intelligence Committee unanimously. Both were referred to the Armed Services Committee where they were again approved unanimously. Last year, the bill was also referred to the Homeland Security and Governmental Affairs Committee, which suggested changes that would have been included had we been discussing the bill along with suggestions from the administration in a managers' amendment.

Last year's bill and this year's bill contain legislation focused on four important areas about which I am going to talk briefly. I have already mentioned the numerous provisions relating to the authority and the operation of the Office of the DNI, the Director of National Intelligence. The bill also contains additional provisions to foster and improve information sharing and information access. Easy words, hard to do.

Section 310 establishes a pilot program giving the Intelligence Committee access to databases of other

nonintelligence agencies for the purpose of collecting intelligence on counterterrorism or weapons of mass destruction. While this bill sits on the calendar, that information is now outside the reach of the intelligence community.

Many of my colleagues have decried the seemingly endless stream of leaks of classified information. I join them in denouncing the leaks of sensitive material. The authorization bill includes provisions strengthening the authority of the DNI and the Director of the CIA to protect intelligence sources and methods. It also includes a provision, authored by Senator WYDEN and adopted by the committee unanimously, to increase the penalties for the unauthorized disclosure of a covert agent.

Finally, the authorization bill contains numerous provisions intended to improve oversight of the intelligence community, both from within and from the Congress itself.

Section 408 is interesting. Section 408 of the bill proposes the establishment of a statutory inspector general for the intelligence community. I have said that. The Intelligence Reform Act of 2004 took a first step toward that end by authorizing the Director of National Intelligence to appoint an inspector general within the Office of the Director. The DNI has done that, and I applaud him for doing so. But the bill will strengthen that position and make it more accountable to the Congress.

Section 434 of the bill strengthens accountability further and oversight of the technical agencies by providing that the heads of the National Security Agency, the National Reconnaissance Office, the National Geospatial-Intelligence Agency are to be appointed by the President with the Senate's advice and consent.

This is in the authorization bill, and if we were to pass it, this would become effective. I think it actually comes as a surprise to many of my colleagues that the head of an agency with as central a role in the intelligence community as the National Security Agency is not appointed with Senate confirmation. In fact, heads of the National Security Agency have customarily only gone through confirmation in connection with their military rank but not for their appointment to the position of the Director of NSA. That is not considered.

Section 107 of the bill, sponsored in committee by Senators LEVIN and HAGEL, seeks to improve the timely flow of information to the congressional Intelligence Committees. Similar language was included in the intelligence reform legislation that passed in the Senate in 2004 but did not survive the conference. I applaud Senators LEVIN and HAGEL for their efforts with respect to this issue.

There are other provisions requiring specific information, including a report on the implementation of the Detainee Treatment Act and a separate report on the possibility of existence of clan-

destine detention facilities. I am at a loss to understand what the objection to this legislation is. Maybe somebody does not like the enhancement of oversight. That is our job. That is why the committees were formed. Maybe somebody doesn't want the DNI to have more authority or maybe somebody thinks the Congress should not be getting timely access to information about intelligence programs that are so important. But let me remind all my colleagues that the authorization bill passed the Intelligence Committee unanimously. If somebody has a problem with a provision, bring up the bill, offer an amendment, debate, and vote. That is the way the Senate works.

AMENDMENT NO. 4906

Because of the importance of getting the authorization bill enacted and because I and all the members of the Senate Intelligence Committee have been totally unable to make any headway on this at all now for 2 years, and because I have concluded that it will once again be ignored by the majority leader, I send an amendment to the desk to strike section 8086 of the pending legislation, the fiscal year 2007 Department of Defense appropriations bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4906.

The amendment follows:

(Purpose: To strike the section specifically authorizing intelligence and intelligence-related activities)

On page 206, strike lines 10 through 16.

Mr. ROCKEFELLER. Mr. President, striking section 8086 would mean the following: that none of the funds in this bill could be spent for intelligence activities without an authorization bill. I do not know how else to do it. I am reluctant to take this step because I do not want our intelligence agencies to be caught without funding. But I see no other way to force the Senate to bring into the consciousness, the cerebral cortexes of the various Senators, that it is important to take up and pass authorization bills.

This legislation is too important to be allowed to languish in legislative limbo. I am at a loss to understand why the Senate cannot complete action. It would be in no one's interest to not complete this, not the Senate, not the Congress, not the intelligence community, nor would it be in the national security interest of the United States.

Democrats are more than willing to quickly debate and pass much needed national security legislation. Democrats know that it is essential that we permit the men and women of the intelligence agencies to continue their critical work on the front lines of the war in Iraq and the war on terror.

In the meantime, to the men and women of the intelligence agencies, I say that we stand with you. We are

proud of your bravery and your patriotism, and we thank you for your sacrifice, working in silence, and in the shadows, against the threat that America faces.

(At the request of Mr. ROCKEFELLER, the following statement was ordered to be printed in the RECORD.)

FAILURE TO PASS AN INTELLIGENCE AUTHORIZATION BILL

• Mrs. FEINSTEIN. Mr. President, I join Vice Chairman ROCKEFELLER in calling for the Senate to take up and pass the Intelligence Authorization Act for Fiscal Year 2007. As has been said already, this legislation is the primary way in which the Congress directs the Nation's 16 intelligence agencies.

In writing this legislation, the Committee worked closely with the Director of National Intelligence, or DNI, to identify new authorities needed to protect our national security. The bill authorizes a pilot program to allow intelligence agencies to better share information that could help uncover and thwart a terrorist; empowers the DNI to build information-sharing systems across the Federal Government; and creates a strong inspector general for the intelligence community.

The bill also requires the intelligence community to explain how it is complying with the Detainee Treatment Act and provide Congress with information on any "alleged clandestine detention facilities" that it may be operating and continues the process of intelligence reform begun in 2004.

It is not surprising that the creation of the DNI and major organizational changes across the Government's national security apparatus left some things undone. This Intelligence authorization bill makes a number of small but useful changes to allow the DNI and the Nation's 16 intelligence agencies to operate on a day-to-day basis more effectively.

These are a few of the important provisions in this legislation. But here I would like to focus on language in the bill that was adopted on a bipartisan basis at committee. The provisions, sections 304 and 307 of the bill, ensure that the congressional Intelligence Committees are fully informed of all intelligence activities.

The National Security Act of 1947 requires the President to "ensure that the congressional intelligence committees are kept fully and currently informed of the intelligence activities of the United States. . . ."

Even more than other committees, the Intelligence Committee relies on the executive branch to provide it with information. Without full and timely notification of intelligence programs, problems, and plans, the committee cannot judge whether agencies have adhered to the law, nor can we judge whether changes in authorities or resources are needed to better protect national security.

It was, in fact, Congress's lack of regular oversight that led to the creation